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EXAMINER

WEST, THOMAS C

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/769,117	Applicant(s) FURLONG ET AL.	
	Examiner THOMAS WEST	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 13-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 13-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the Arguments/Remarks filed October 24, 2008.
2. Claims 1-6, 13-26 are currently pending and have been examined.

Response to Arguments

3. Applicant's arguments with respect to claims 1-6, 13-26 have been considered but are not persuasive. With regard to "without user input", by applicant's own admission, user input is a necessary step. "One of ordinary skill in the art would be able to clearly distinguish the kinds of **user input** that specify a date..." In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "selecting a single type of activity from among a plurality of activity types") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Vance however discloses a single activity in at least fig 16D, car rental detail from a plurality of top menu buttons depicted in at least fig. 14A-14X depicting the Sabre Travel Planner selectable activities such as the car rental button and New Trip button, item 362, of which only one button can be selected at a time as can only be done in any event driven application such as is shown in the figures mentioned. Vance discloses "The traveler places a curser on the New

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Trip icon and energizes the New Trip icon”, col. 11, lines 41-59, further disclosing amended claims 1, 3, 5 reciting “the user selected activity type specifies an activity type of the activity item”. Vance teaches a predetermined mapping from activity types to expense types as shown by at least figure 16A, expense report log generated from the trip activity log figure 15G. Vance, col. 8, lines 66-67 and col. 9, lines 1-10, discloses “autofill the forms”, “pulling data from the trip table”, “imports data from the expense category table”, to construct a policy compliant expense report, all indicating a predetermined mapping of data from activity types to expense types. Applicant’s argues that Vance fails to teach the activity item creation button. Vance clearly shows this in the trip activity log, figures 14A-S, 14U-X and 15A-G activated by the new trip icon button 360, see at least col. 11, lines 41-59.

Claim Objections

4. As shown in MPEP 2173.05(q), method claims must recite "active and positive steps". Claims 2, 4, 6 use "inactive/negative steps", “without user input”, which does not positively limit the steps of the independent claim.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1, 2, 4, 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites “displaying controls including a first and second button”, but does not positively recite the actual activating of the first and second button.

Claims 2, 4, 6 recite “without user input”, however it is not clear to one of ordinary skill what Applicant intends by this limitation, as Applicant has not limited the “user input”. For example, turning on a computer, checking e-mail, opening an application or a file, and accessing different features of an application (e.g. “print”, selecting a font) are all examples of user input, which take place, or can take place while performing a data processing action (*In re Zletz*, 13 USPQ2d 1320 (Fed. Cir. 1989)).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6, 13-26 are rejected under U.S.C. 102(b) as being unpatentable over Vance, U.S. Patent No. 6,442,526.

Claims 1, 3, 5:

Vance, as shown, discloses the following limitations:

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displaying controls including a first button and a second button (see figures 15A-G, top menu bar, new trip icon button 360, see at least col. 11, lines 41-59)

in response to each activation of the first button: creating a new activity item (see new trip icon button 360, see at least col. 11, lines 41-59)

establishing a user-selected activity type for the activity item wherein the establishing comprises selecting a single type of activity from among a plurality of activity types (new trip icon button 360, see at least col. 11, lines 41-59, col. 11, lines 41-59), and

the user-selected activity type specifies an activity type of the activity item (new trip icon button 360, see at least col. 11, lines 41-59, col. 11, lines 41-59)

creating an expense item (see column 8, lines 66-67, column 9, lines 1-10)

consulting a predetermined mapping from activity types to expense types to automatically establish an expense type for the created expense item (see column 8, lines 66-67, column 9, lines 1-10)

creating a new expense report (see column 8, lines 66-67, column 9, lines 1-10)

adding all created expense items to the created expense report (see column 8, lines 66-67, column 9, lines 1-10)

submitting the created expense report containing the added created expense items (see column 13, lines 26-36)

Claims 2, 4, 6:

Vance, as shown, discloses the following limitations:

establishing for the activity item a date designated by a user for the activity item (see column 8, lines 66-67, column 9, lines 1-10)

without user input specifying a date for the created expense item, establishing for the created expense item the same date designated by a user for the activity item (see column 8, lines 66-67, column 9, lines 1-10)

Claims 2, 4, 6 recite “without user input”. However, it has been held it is not 'invention' to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result (In re Venner, 120 USPQ 192 (CCPA 1958); In re Rundell, 9 USPQ 220). Therefore, it is at least obvious to one of ordinary skill to fully automate the expense reporting function of Vance et al. (figures 10 and 16B-K). Nonetheless, Vance et al. clearly teach that expense reports can be generated semi-automatically or can be autofilled from a corporate database (column/line 12/65-13/20).

Claims 13, 18, 19, 23:

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The method of claim 1, providing a user with a list of the at least two activity types (see top menu bar including: trip activity log, figures 14A-S, 14U-X and 15A-G, expense report log, figure 16H, hotel item detail, figure 16E, meals detail, figure 16F, business entertainment, figure 14Q, bargain finder, figure 14Q, col. 11, lines 41-59).

Claim 14:

The method of claim 13, wherein the list of the at least two activity types is maintained by the user and contains activity item types predefined by an application administrator (see top menu bar including: trip activity log, figures 14A-S, 14U-X and 15A-G, expense report log, figure 16H, hotel item detail, figure 16E, meals detail, figure 16F, business entertainment, figure 14Q, bargain finder, figure 14Q, col. 11, lines 41-59).

Claim 15:

The method of claim 1, wherein the pre-determined mapping is defined by an application administrator (see column 8, lines 66-67, column 9, lines 1-10)

Claim 16:

The method of claim 1, wherein each of the at least two activity types corresponds to one of appointments, meetings, presentations, trips, travel,

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demonstrations, and drafting correspondence (see top menu bar including: trip activity log, figures 14A-S, 14U-X and 15A-G, expense report log, figure 16H, hotel item detail, figure 16E, meals detail, figure 16F, business entertainment, figure 14Q, bargain finder, figure 14Q, col. 11, lines 41-59).

Claims 17, 22, 26:

The method of claim 1, wherein the application administrator predefines activity item types by providing information corresponding to at least one of a description of an activity, itemized tasks associated with the at least two activity types, whether the activity item type is associated with a particular client, and whether the activity item type is expensible (see column 2, lines 55-60, col. 11, lines 41-59, col. 11, lines 41-59).

Claim 20:

The computer readable storage medium of claim 3, wherein the pre-determined mapping is defined by an application administrator (see top menu bar including: trip activity log, figures 14A-S, 14U-X and 15A-G, expense report log, figure 16H, hotel item detail, figure 16E, meals detail, figure 16F, business entertainment, figure 14Q, bargain finder, figure 14Q, col. 8. lines 66-67 and col. 9, lines 1-10).

Claim 21:

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The computer readable storage medium of claim 3, wherein the activity item type corresponds to one of appointments, meetings, presentations, trips, travel, demonstrations, and drafting correspondence (see top menu bar including: trip activity log, figures 14A-S, 14U-X and 15A-G, expense report log, figure 16H, hotel item detail, figure 16E, meals detail, figure 16F, business entertainment, figure 14Q, bargain finder, figure 14Q).

Claim 24:

The computing system of claim 23, wherein the list of activity item types is maintained by the user and contains activity item types predefined by an application administrator (see top menu bar including: trip activity log, figures 14A-S, 14U-X and 15A-G, expense report log, figure 16H, hotel item detail, figure 16E, meals detail, figure 16F, business entertainment, figure 14Q, bargain finder, figure 14Q).

Claim 25:

The computing system of claim 5, wherein the activity item type corresponds to one of appointments, meetings, presentations, trips, travel, demonstrations, and drafting correspondence (see top menu bar including: trip activity log, figures 14A-S, 14U-X and 15A-G, expense report log, figure 16H, hotel item detail, figure 16E, meals detail, figure 16F, business entertainment, figure 14Q, bargain finder, figure 14Q).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas West whose telephone number is 571-270-1236. The examiner can normally be reached on Tuesday and Wednesday 7:30am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas West
Patent Examiner
Art Unit 3621
January 3, 2009

/EVENS J. AUGUSTIN/
Primary Examiner, Art Unit 3621